PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Docket No. A01341 US-3
KC/

In re application of:
Megan Anne Diehl et al.

Serial No.: 10/665,343 : Group Art Unit: 1616

Filed: September 18, 2003 : Examiner: Sabiha Naim Qazi, Ph.D.

For: Synergistic Microbicidal Combinations

DECLARATION UNDER 37 C.F.R. § 1.132

I, Eileen F. Warwick, of 1221 Snyder Road, Lansdale, PA 19446, declare and say as follows:

1. I have been employed at the Rohm and Haas Company since 1981. I have a Bachelor of Science degree in Chemistry from the University of Delaware (1981). I have been working in our Biocides Business since 1987. My job responsibilities have included both conducting and supervising others in conducting a wide range of microbiological and analytical tests of biocides and biocide combinations in support of new product development as well as sales and technical service. I have supported biocide applications in consumer products as well as in industrial applications including paints and coatings, adhesives and sealants, wood, marine antifouling coatings, water treatment, metalworking fluids and plastics. I

am currently Technology Manager responsible for Biocides Regulatory Chemistry and Distinguished Scientist responsible for External Biocide Technologies.

2. I have been the co-inventor of ten U.S. patent applications related to biocides filed during my tenure at Rohm and Haas Company.

3. As a co-inventor of the present invention, I am thoroughly familiar with its subject matter and background.

4. My experience and knowledge of the biocides field indicate that both the existence of synergy between a particular pair of biocides and the ratios of the two biocides for which synergy might be observed are not predictable. This was observed, for example, in synergy studies done in my group prior to filing the present application. 2-methyl-3-isothiazolone ("MI") was tested in combination with other biocides against various organisms, including *P. aeruginosa, C. albicans, S. aureus, A. niger* and *E. Coli*. The results showed that there was a synergistic interaction against at least some of the organisms tested for MI combinations with benzoic acid, benzyl alcohol, citric acid, DMDMH, EDDS, IPBC, propylparaben, sorbic acid, DBDCB or zinc pyrithione. However, the data indicated no synergistic interaction against any organism for butylene glycol, hexylene glycol and pentylene glycol. One skilled in the art of biocide development and testing would have been aware of similar results from testing other biocide combinations and would not have expected that any particular combination of biocides would exhibit a synergistic interaction.

5. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United State Code and that such willful

false statements may jeopardize the validity of the application or any patent issued thereon.

Eileen F. Warwick

Eileen F. Warwick

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Date: June 17, 2009